

# Legal & Ethics Conference: Investigators Break-out Session



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# Complaint Recieved

- Issue Analysis
  - Criminal/ Civil/ Administrative??
  - Statute/ Rule/ or Written Procedure Violated?
  - ID Specific Statutory basis for Criminal Charging



# Inspector General's Office

- IC 4-2-7-2 IG “Enabling Statute”
  - “...responsible for addressing fraud, waste, abuse, and wrongdoing in agencies.”
- *Discussion:*
  - Agency referral to Administration??
  - Immediate Consideration---should the IG's Office be included?? (WHY?)
    - If so, get involved early!!

# Document Everything



**KEEP  
CALM  
AND  
DOCUMENT  
EVERYTHING**

KeepCalmAndPosters.com

# Document Everything

- Initial Complaint
  - Date/ time/ Location/ Who
- If criminal charges possible, Collect Evidence ASAP
- WHO will testify to this Evidence??
- Assume Nothing!
  - “Everybody Knows It!” – doesn’t work in Court

# Documentation

- Scanned Docs submitted
  - True/ fraudulent?—HOW Falsified?
  - Check bank account activity
  - History on accounts + case files
    - Changes in Pattern



# Verify Documentation

- Scanned Docs: True or False???
- Bank Records
- Employer Records
  - Personnel File
  - Payroll Checks
- Landlord Records
  - Lease/ Who signed on as resident
  - How long at residence
  - Amount of Rent

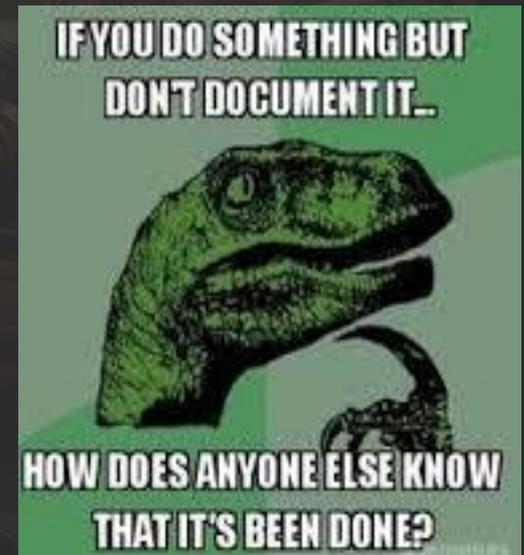
# Vendor Documentation

- Contract Vendor (Xerox)
- Did Vendor provide Service Benefit?
- Double Billing?

# More Documentation

- **IDENTITY**

- Bank Records—obtain “opening account” records w/ Signature Card
- Verify EBT funds deposited in his account
- History of EBT transactions
  - Follow up w/ Merchant
  - Obtain Receipts/ all paperwork



# Even More Documentation

- Video/ Surveillance Recording
  - Grocery Store/ Pharmacy w/ Suspect using EBT card!



# State Employee is Suspect

- Personnel File
  - Position
  - Duties/ Responsibilities
- Check their Office/ Work Station
  - Photograph items before moving anything
  - Collect/ Record Everything

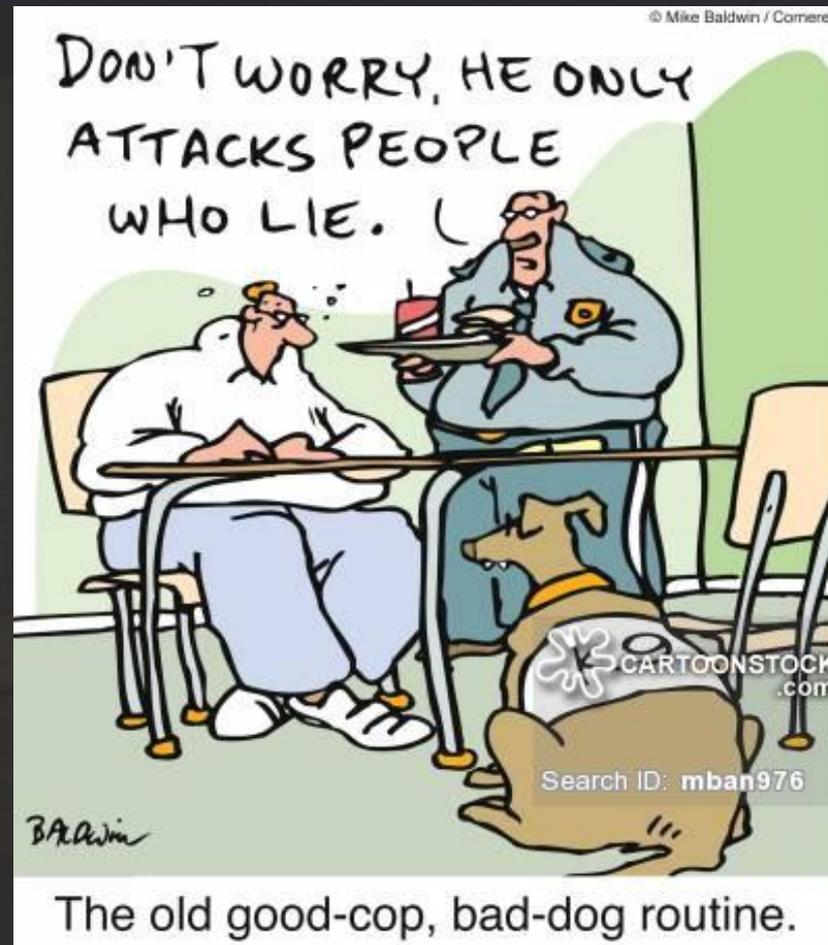
# Civil Approach

- State Agency enters a Restitution Agreement w/ Suspect
  - Restitution payments begin
- Restitution Agreement may be held to foreclose Criminal Prosecution
  - Screening Prosecutor may refuse to file criminal charges
  - Consider –*before* entering into agreement

# When to interview the Suspect?

- **Agency: Immediate!!**
  - Get rid of Crook in Agency
- **Investigation:**
  - IG: need Time for Preparation
  - Best Access while suspect is available
  - Record Interview
  - Agency Rep present?
    - Valuable Information asset

# Suspect Interview



# Another Approach

- Many Different Styles



# Criminal Charges???

- Be Prepared!
- Confessions are Great – but need Prima Facie case!



# Ready to File Your Case

- Welcome to Efiling!!



# Screening Documents

- Probable Cause in “PDF” format
  - Electronically signed “/s/ \_\_\_\_\_”
- Redacted PC, if required
- Case Information Sheet
  - Suspect Identifiers + Witness Contact info
- Suspect’s Criminal History
- Incident/ Case Report
- All other docs in file will be scanned into PCMS “Detective Packet”

# Thank You!!

